

# Arlington Town Meeting — Motion to Amend

## ARTICLE NO. 6

**Dated:** April 22, 2024

I, Eugene B. Benson, do hereby submit the following Motion to Amend Article 6:

To amend the recommended vote of the Select Board by making the following changes to

Section 1, add Lake Street, Medford Street, Mill Street, and Park Avenue to the streets to which the bylaw applies.

Section 2, Delete the word Main from the definition, Main Street Storefront, and add Lake Street, Medford Street, Mill Street, and Park Avenue to the streets to which the definition applies.

Sections 3, 4, and 5: Delete the Word, Main, every time the phrase, Main Street Storefront, appears.

Section 5 A. Delete a repeat of the word Vacant.

Section 5 D: add a missing article (a) and add at the end of the last sentence: “and must comply with the signage requirements in the Zoning Bylaw.”

So that the amended Sections read as follows (additions are underlined and removals are in strikeout):

### Section 1 Findings and Purposes.

The purposes of this bylaw are to protect the welfare and economic vitality of the residents of the Town of Arlington by protecting property values, maintaining neighborhood integrity and accessibility, safeguarding against economic property blight, protecting Town resources, and ensuring the safe and sanitary maintenance of commercial and industrial vacant properties. Among other things, vacant commercial and industrial properties with frontage along one or more of the following streets, Massachusetts Avenue, Broadway, Lake Street, Medford Street, Mill Street, or Park Avenue, ~~or both~~, can degrade the vitality of Arlington's business districts, frustrate local planning and development efforts, create increased specific risks of fire damage, vandalism and unlawful entry or uses, and give rise to other public health and safety hazards. This bylaw is intended to promote the Town's public welfare and economic health by requiring all property owners to register and properly maintain vacant commercial and industrial properties.

## Section 2 Definitions.

“~~Main~~ Street Storefront” – Any nonresidential commercial or industrial real property ground floor units with frontage along ~~either~~ one or more of the following streets, Massachusetts Avenue, Broadway, Lake Street, Medford Street, Mill Street, or Park Avenue. ~~or both,~~

## Section 3. Registration.

A. Prior to, or not more than seven (7) days after ~~Main~~ Street Storefront becomes Vacant, as defined herein, the owner(s) must register the vacancy with the Department of Planning and Community Development and the Building Inspector on forms agreed upon and provided by such departments. All registrations must state the owner's name, phone number, and mailing address as well as an emergency contact, if not the same. None of the required addresses shall be a post office box. This registration must state if the ~~Main~~ Street Storefront is Vacant at the time of filing. The registration shall also state the owner's efforts to regain occupancy. Once the ~~Main~~ Street Storefront is no longer Vacant, is sold or leased, or disposed of in another legal manner, the owner must provide proof of sale or written notice and proof of lawful occupancy to the Planning Department or Inspectional Service Department pursuant to the process outlined by such departments.

The Building Inspector will notify Police, Fire, Water and Sewer, and Health Departments of the submitted registration of the Vacant ~~Main~~ Street Storefront as well as any re- occupancy of the same.

## Section 4. Annual Registration Fee, Failure to Pay, Waiver.

A. The annual registration fee is due at the time of registration of the Vacant ~~Main~~ Street Storefront. The Vacant ~~Main~~ Street Storefront owner will be invoiced on an annual basis until the ~~Main~~ Street Storefront is leased, sold, or disposed of in another legal manner. The annual registration fee shall be set by the Select Board pursuant to M.G.L c. 40, § 22F.

B. The annual registration fee covers the administrative cost of monitoring and ensuring the security and proper maintenance of such Vacant ~~Main~~ Street Storefront, as identified in said billing statement. Failure to pay the annual registration fee shall be a violation of this law, and the full fee shall be deemed an assessment resulting from a violation of this Bylaw. Such fee, and any fines issued for violations of this Bylaw, shall constitute a "municipal charges lien" on the property, to be collected in accordance with M.G.L. c. 40, §58.

C. Vacant ~~Main~~ Street Storefront may apply for a waiver of the annual registration fee at the time of registration of a Vacant property and upon receipt of annual registration fee invoices each year thereafter, requesting waiver of some or the entire fee on grounds of Financial Hardship, as defined herein for the term of a vacancy. Waivers requested on the basis of Financial Hardship are subject to a thirty (30) -day review period. If a waiver based on Financial Hardship is granted, it will be reevaluated on a quarterly basis until the Vacant ~~Main~~ Street Storefront property is leased, sold, or disposed of in another legal manner. If a

waiver of the registration fee based on Financial Hardship is denied, the registration fee is due within thirty (30) days of the decision.

#### Section 5. Maintenance Requirements.

A. The owner of a ~~Vacant~~ Vacant ~~Main~~ Street Storefront must maintain the same in accordance with all applicable local and state Sanitary Codes, Building Codes and Fire Codes, pertaining to the external/visible maintenance of the building and major system maintenance of the Vacant ~~Main~~ Street Storefront property.

B. The owner of a Vacant ~~Main~~ Street Storefront must promptly repair all broken windows, doors, other openings and any unsafe conditions at the same. Boarding up of open or broken windows and doors is prohibited except as a temporary measure allowed by Title V, Article Seven of these Bylaws, unless the Building Inspector determines that, due to vandalism or security reasons and due to circumstances out of the owner's control, the proper boarding of windows and doors is necessary for a determined period of time beyond such temporary measure. Boards or coverings must be fitted to the opening size and colored to blend with the existing color scheme of the entirety of the building.

C. The owner must maintain the Vacant ~~Main~~ Street Storefront for the duration of the vacancy or abandonment. The owner shall maintain the condition of the Vacant ~~Main~~ Street Storefront so as to appear not to be Vacant. Upon notice by the Building Inspector, any accumulated trash and/or graffiti shall be removed from the Vacant ~~Main~~ Street Storefront property by the owner within seven (7) days. The Building Inspector and/or the Inspector's designee will document violations. The owner of any Vacant ~~Main~~ Street Storefront for a period exceeding six (6) months, whose utilities have been shut off, shall have those utilities removed or cut and capped to prevent accidents.

D. The owner of a a Vacant ~~Main~~ Street Storefront may include advertising materials in the same or displayed in its street-facing windows. Such advertising materials must be approved by the Planning Director and must comply with the signage requirements of the Zoning Bylaw.

**Comment:**

There are storefronts just off Massachusetts Avenue and Broadway, on Lake Street, Medford Street, Mill Street, and Park Avenue. When they are vacant, they have the same negative impact as vacant storefronts on Massachusetts Avenue and Broadway. They should be subject to the same vacant storefront requirements as are the storefronts on Massachusetts Avenue and Broadway. This amendment will do that.

This amendment also adds an explicit requirement that advertising materials in a vacant storefront must comply with the signage requirements in the Zoning Bylaw. It removes an ambiguity in this bylaw as to whether the zoning bylaw signage rules would apply to such advertisements. Signs in vacant storefronts should be subject to the same rules as occupied storefronts.

Respectfully submitted,

Eugene B. Benson

Eugene B. Benson, Precinct 10

Date Voted: \_\_\_\_\_

Action Taken: \_\_\_\_\_